

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17391 of 2020

B.Vasanthakumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vigilance and Anti-Corruption Police unit,
Pondicherry.
Crime No.04/2016.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.04 of 2016 on the file of the respondent police.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.Bharadhachakaravarthy
Public Prosecutor (Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 409, 468, 471 of IPC and Sections 13(1) (c) and (d) with Section 13(2) of the Prevention of Corruption Act in Crime No.04 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner, who is the Managing Director of the Pondicherry Co-operative Society along with the other officials issued advertisement regarding PONLAIT products without taking clearance from Registrar of Co-operative Societies and appointed 436 persons without following procedure and promotion of 133 employees without following procedures, thereby, the petitioner indulged in corruptive practices.

3. The learned Counsel for the petitioner would submit that the petitioner is the Managing Director of the Pondicherry Co-operative and he had retired from service on 31.08.2015. He would further submit that till the retirement, he has not been brought to any

adverse notice and thereby he was allowed to retire and later since the terminal benefits were not settled to him, the petitioner had taken legal steps against the Government. Therefore, the defacto complainant gave a false complainant against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that originally the case was registered by the CBI against him for having appointed 8 persons without following the procedures and thereafter, it was found that there was no evidence against him, thereby the earlier proceedings were dropped. Thereafter, an enquiry was conducted by the respondent police and during the enquiry, it came to light that the petitioner had made illegal gains in issuing advertisements without approval and also indulged in corrupt practices by appointing and promoting employees without following procedures. Based on the complaint enquiry was conducted and after due enquiry the present case has been registered. He further submitted that the respondent police issued notice for appearance of the petitioner under Section 41 A Cr.P.C. where as the petitioner has not appeared before the respondent police. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard, both sides and perused the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance within fifteen (15) days from the date of receipt of a copy of this order, before the learned Principal District Sessions Judge, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT SESSIONS JUDGE,
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION POLICE UNIT,
PONDICHERRY.

CC to M/S. V.PARTHIBAN Advocate on payment of necessary charges

WEB COPY

CRL OP.17391/2020

Date :05/11/2020

cs 23/11/2020